

FILED

May 23, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

**United States Court of Appeals
for the Fifth Circuit**

BY: Christian Rodriguez

DEPUTY

United States Court of Appeals
Fifth Circuit

FILED

May 23, 2025

Lyle W. Cayce
Clerk

No. 23-50224

LEILA GREEN LITTLE; JEANNE PURYEAR; KATHY KENNEDY;
REBECCA JONES; RICHARD DAY; CYNTHIA WARING; DIANE
MOSTER,

Plaintiffs—Appellees,

versus

LLANO COUNTY; RON CUNNINGHAM, *in his official capacity as Llano
County Judge*; JERRY DON MOSS, *in his official capacity as Llano County
Commissioner*; PETER JONES, *in his official capacity as Llano County
Commissioner*; MIKE SANDOVAL, *in his official capacity as Llano County
Commissioner*; LINDA RASCHKE, *in her official capacity as Llano County
Commissioner*; AMBER MILUM, *in her official capacity as Llano County
Library System Director*;

Defendants—Appellants.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:22-CV-424

Before ELROD, *Chief Judge*, and JONES, SMITH, WIENER, STEWART, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, WILLETT, HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON, DOUGLAS, and RAMIREZ, *Circuit Judges*.*

JUDGMENT ON REHEARING EN BANC

This cause was considered on the record on appeal and was argued by counsel.

IT IS ORDERED and ADJUDGED that the preliminary injunction is REVERSED, that judgment is RENDERED dismissing plaintiffs' Free Speech claims, and that the case is REMANDED for further proceedings consistent with this opinion.

IT IS FURTHER ORDERED that Appellees pay to Appellants the costs on appeal to be taxed by the Clerk of this Court.

Ten judges join Parts I–III of this opinion and the judgment (Chief Judge ELROD and Judges JONES, SMITH, HAYNES, WILLETT, HO, DUNCAN, ENGELHARDT, OLDHAM, and WILSON). Seven of those judges join the opinion in full (Judge JONES, SMITH, WILLETT, HO, DUNCAN, ENGELHARDT, and OLDHAM).

JAMES C. HO, *Circuit Judge*, concurring.

STEPHEN A. HIGGINSON, *Circuit Judge*, joined by WIENER, STEWART, SOUTHWICK, GRAVES, DOUGLAS, and RAMIREZ, *Circuit Judges*, dissenting.

* Judge RICHMAN was recused and did not participate in the decision.

